

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 3, 4, 6, and 9-17 are pending. In the present amendment, Claims 3, 6, 14, and 15 are currently amended, and new Claims 16 and 17 are added. Support for the present amendment can be found in the original specification, for example, at page 13, line 22 to page 14, line 5, at page 14, lines 15-21, at page 15, lines 14-26, and in Figures 4 and 5. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 3, 4, 6, 9, and 11-15 were rejected under 35 U.S.C. § 102(e) as anticipated by Weiler et al. (U.S. Patent No. 6,725,205, hereinafter “Weiler”); and Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Weiler in view of Tanaka (U.S. Patent No. 6,721,879).

The specification is hereby amended to correct a minor informality. It is respectfully submitted that no new matter is added.

Turning now to the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

Amended Claim 3 recites:

A data recording medium for use with a recording/reproducing apparatus, comprising:

a medium identification information unique to the data recording medium recorded thereon;

a plurality of programs recorded on the data recording medium, wherein the medium identification information includes information with which a designated program of the plurality of programs is designated and a non-designated program of the plurality of programs is not designated; and

a starting program, recorded on the data recording medium, configured to cause the designated program of the

plurality of programs, designated by the medium identification information, to automatically execute,

wherein, the designated program is automatically executed by the recording/reproducing apparatus in response to the medium identification information being detected on the data recording medium, and

wherein, the non-designated program, which is not designated in response to the medium identification information, is prevented from being executed by the recording/reproducing apparatus.

Accordingly, the data recording medium recited in amended Claim 3 includes a plurality of programs, at least one of which is designated by a medium identification information included on the data recording medium and at least one of which is not designated by the medium identification information. Therefore, when the starting program is run, the medium identification information causes the designated program to automatically execute and the non-designated program is prevented from being executed.

Thus, as explained in the original specification, application software recorded on an ID added disc can be used only for hardware identified by a disc ID as if an optical disc dedicated for individual pieces of hardware was produced.¹ Thus, application software bundled with hardware can be used only for the hardware. As a result, the application software can be prevented from being used regardless of the hardware. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 3.

Weiler describes that software on a disc is assigned a target serial number unique to each system installation and that each disc drive in a computer system that is authorized to have the software installed thereon receives a target serial number associated with the system installation.² Weiler further describes that if the disc drive serial number 34 of every hard

¹ See the original specification, for example, at page 13, line 22 to page 14, line 5.

² See Weiler, at column 4, lines 10-12 and 40-51.

disc drive 30 is the same as the target serial number, then the software installation procedure installs the software from the disc. If not, the software is not installed.³

However, it is respectfully submitted that Weiler does not disclose or suggest “a plurality of programs recorded on the data recording medium, wherein the medium identification information includes information with which a designated program of the plurality of programs is designated and a non-designated program of the plurality of programs is not designated...wherein, the designated program is automatically executed by the recording/reproducing apparatus in response to the medium identification information being detected on the data recording medium, and wherein, the non-designated program, which is not designated in response to the medium identification information, is prevented from being executed by the recording/reproducing apparatus,” as recited in amended Claim 3.

Instead, as described above, Weiler only describes that *all of the software* on the disc is either installed or not installed based on matching the disc drive serial number 34 with the target serial number of the software. Weiler does not describe that a designated program can be installed and a non-designated program cannot be installed *from the same disc*.

Accordingly, it is respectfully submitted that Weiler does not disclose or suggest every feature recited in amended Claim 3. Thus, it is respectfully requested that the rejection of Claim 3, and all claims dependent thereon, as anticipated by Weiler be withdrawn.

Independent Claim 6 recites, in part, a program starting method for executing a program from a plurality of programs recorded on a recording medium, including “selectively executing a designated program from the plurality of programs corresponding to the type that the medium identification information represents, the execution being actuated by a starting program recorded on the recording medium; preventing the executing of a non-designated

³ See Weiler, at column 5, lines 44-47.

program from the plurality of programs that does not correspond to the type that the medium identification information represents.”

Accordingly, in view of the above discussion of Weiler with respect to Claim 3, it is respectfully submitted that Weiler does not disclose or suggest every feature recited in amended Claim 6. Thus, it is respectfully requested that the rejection of Claim 6, and all claims dependent thereon, as anticipated by Weiler be withdrawn.

Regarding the rejection of Claim 10 as unpatentable over Weiler in view of Tanaka, it is noted that Claim 10 is dependent on Claim 3, and thus is believed to be patentable for at least the reasons discussed above with respect to Claim 3. Further, it is respectfully submitted that Tanaka does not cure the above noted deficiencies of Weiler. Accordingly, it is respectfully submitted that Claim 10 is patentable over Weiler in view of Tanaka.

New Claims 16 and 17 are added by the present amendment. Support for new Claims 16 and 17 can be found in the original specification, for example, at page 13, line 22 to page 14, line 5, and at page 14, lines 15-21. Thus, it is respectfully submitted that no new matter is added.

It is noted that Claims 16 and 17 depend on independent Claims 3 and 6, respectively. Accordingly, it is respectfully submitted that Claims 16 and 17 patentably define over the cited references for at least the reasons discussed above with respect to Claims 3 and 6.

Further, it is noted that Claim 16 recites, in part, “the medium identification information includes a plurality of disc identification numbers and each of the plurality of disc identification numbers corresponds to one of the plurality of programs recorded on the data recording medium.” As discussed above, Weiler does not disclose or suggest providing separate identification numbers for separate programs recorded on a disc. Thus, it is respectfully submitted that Claim 16, and Claim 17 which recites features similar to those recited in Claim 16, patentably define over Weiler. Further, it is noted that Tanaka does not

cure the above noted deficiencies of Weiler. Accordingly, it is respectfully submitted that Claims and 16 and 17 further patentably define over the cited references.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Colin B. Harris
Registration No. 58,969

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)